

# Notice of Allowability

Application No.

09/329,217

Examiner

Martin Miller

Applicant(s)

PROKOSKI, FRANCINE J.

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Examiner's amendment of 1/30/2003.
2. ☒ The allowed claim(s) is/are 14-17 renumbered as 1-4.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS must be submitted.
  - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☒ to Paper No. 2.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |   |
|---|---|
| <ul style="list-style-type: none"><li>1 <input type="checkbox"/> Notice of References Cited (PTO-892)</li><li>3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li><li>5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____</li><li>7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li></ul> | <ul style="list-style-type: none"><li>2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li><li>4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>16</u></li><li>6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li><li>8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li><li>9 <input type="checkbox"/> Other</li></ul> |
|---|---|

**UNGEWIL**  
**PRIMARY EXAMINER**

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Clyde R. Christofferson, Reg. no. 34,138 on January 27, 2003.
3. The application has been amended as follows:  
Cancel claims 1-13, 18-24 without prejudice.

#### *Allowable Subject Matter*

4. Claims 14-17 are allowed. Claims 14-17 will be renumbered as claims 1-4.
5. The following is an examiner's statement of reasons for allowance:

The prior art of record does not suggest or anticipate tagging the visible image feature and tagging corresponding feature on an IR image of the same ballistic item. In the field of ballistic items or even other areas searched such a combination of limitations are neither suggested nor anticipated. The combination of features could not be found in references such as Forester, Peleg, and Matoba.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Miller whose telephone number is (703) 306-9134. The examiner can normally be reached on Monday-Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

nan  
mem  
January 30, 2003

JINGGE WU  
PRIMARY EXAMINER

AMELIA M. AU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600